

UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application

Applicant: Nate Mullen

Serial No.: 09/738,024

Group Art Unit No.: 3729

Filed: 12/14/2000

Examiner: Chang, Rick Kiltae

For: VOLTAGE EQUALIZER HUB™ WIRING METHOD AND APPARATUS

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

INTERVIEW AGENDA AFTER FINAL REJECTION

Dear Mr. Chang:

Applicant respectfully submits this Agenda in response to the Examiner's Final Office Action dated January 30, 2004 on the above identified application. The Examiner finally rejected the application under 35 U.S.C. 102(b) as being anticipated by Hunte (US 4,937,499). Specifically, the Examiner recites that "Hunte discloses an electrical source (left hand side of 156 Fig. 5), an equalizer hub (right hand side of 156 in Fig. 5), light fixtures (150a...150c) are of uniform length, a transformer (156), and Fig. 5 shows all the wiring configuration as disclosed in the claimed limitation." (Detailed Action, p. 2). The Examiner further encloses Fig. 5 with notations identifying the referenced elements.


Upon reviewing the Examiner's rejection, Applicant respectfully requests that an interview be granted in order to discuss the Examiner's basis for the rejection such that disposal or clarification for appeal may be accomplished. Specifically, the Applicant would like to address the Examiner's assertion that "light fixtures (150a...150c) are of uniform length" in Fig. 5. Applicant respectfully submits that under MPEP § 2125 proportions of features in drawings are not evidence of actual proportions when drawings are not to scale. *Hockerson-Halberstadt, Inc. v.*

Avia Group Intel, 55 USPQ2d 1487, 1491. (Fed. Cir. 2000) (“[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue”). Applicant respectfully submits that despite the fact that elements 150a, 150b and 150c in the schematic diagram in Fig. 5 of Hunte are drawn as having wires of similar lengths, there is no suggestion within the patent that the elements in Fig. 5 are drawn to scale or to a specific dimension. Accordingly, Applicant’s claimed “light fixtures [having] uniform length” are not disclosed in the Hunte patent. Additionally, Applicant is in the process of obtaining a declaration from an electrical engineer attesting to the fact that lines drawn in schematic diagrams do not represent real-world dimensions and are not drawn to scale and furthermore that equal length lines do not represent equal distances.

Applicant respectfully submits that in light of the new authority discussed above, the issues the Applicant wishes to discuss are not presented in arguments already of record and furthermore, would not result in the addition of new limitations. Accordingly, since the issues proposed by Applicant for discussion may be addressed with only nominal further consideration on the part of the Examiner, Applicant respectfully requests the interview be granted.

Respectfully submitted,

Dated: March 29, 2004


Joseph A. Yanny, Patent Reg. No. 29,459
Michael A. DiNardo, Patent Reg. No. 42,487
Stacie J. Sundquist, Patent Reg. No. 53,654
YANNY & SMITH
1925 Century Park East, Suite 1260
Los Angeles, CA 90067
Telephone: (310) 551-2966
Facsimile: (310) 551-1949
Attorneys for Applicants